

☐ Return
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IN THE MAGISTRATE COURT OF OHIO COUNTY, WEST VIRGINIA

MICHAEL FRANK,)
)
Plaintiff,)
)
v.)
)
POLICE AND SHERIFF SUPPORT)
ALLIANCE)
)
Defendant.)
_____)

CIVIL COMPLAINT

1. Plaintiff Michael Frank brings suit against Police and Sheriff Support Alliance ("Alliance"), a political action committee, for violation of the Telephone Consumer Protection Act ("TCPA").

BACKGROUND

2. On January 13, 2021 Plaintiff received a phone call from the Alliance, soliciting donations to support individuals in law enforcement. Plaintiff was registered with the National Do Not Call Registry ("Registry") at the time of the calls, and he did not provide the Defendant with any form of consent to be called. I asked the caller to add my number, (304) 780-3752, to their internal do not call list.

FIRST COMPLAINT

3. The Defendant made one phone call to a residential line listed on the Registry, *see* 47 CFR § 64.1200(c)(2).

SECOND COMPLAINT

4. Defendant made a telemarketing call to a cell phone using autodialer technology, *see* 47 U.S. Code § 227.

PRAYER FOR RELIEF

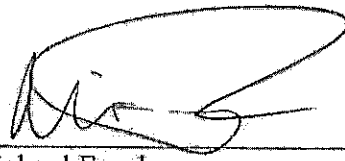
5. A bench trial.

6. \$1,500 be awarded to plaintiff for one call in violation of the TCPA (treble damages for multiple violations indicating willful non-compliance).

7. Court Costs.

8. Any additional relief the Court deems lawful and just.

Respectfully submitted this ^{April} 22 day of January, 2021.

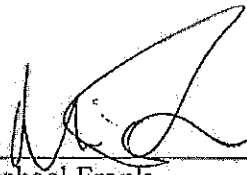


Michael Frank
11 Lee Drive
Wheeling, WV 26003
Tel: (304) 780-3752
email: mstefrank@gmail.com

Plaintiff, *pro se*

CERTIFICATE OF SERVICE

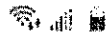
The undersigned hereby certifies that a true and correct copy of the Civil Complaint has been served by mail, this 22 day of ^{April}~~January~~, 2021.



Michael Frank
11 Lee Drive
Wheeling, WV 26003
Tel: (304) 780-3752
email: mstefrank@gmail.com

Plaintiff, *pro se*

2:45



Phone



Spam Risk

+1 304-232-1015

11:56 AM



Dad

Home

11:56 AM



Wheeling Veterinary (2)

Mobile

11:52 AM

January 13, 2021



Telemarketer

+1 304-826-2473

11:00 AM

January 12, 2021



+1 407-244-3981

Orlando, FL

3:27 PM

January 11, 2021



1 412-360-6600

Pittsburgh, PA

1:28 PM



VA Belmont (4)

Keypad

Recents

Contacts



IN THE MAGISTRATE COURT OF OHIO COUNTY, WEST VIRGINIA

Michael Frank
11 Lee Drive
Wheeling, WV 26003
v.

Name & Address of plaintiff's attorney, if applicable:

Case No: 21-M35C-00183

Police & Sheriff Support Alliance
1300 Pennsylvania Ave
NW #190-730
Washington, DC 20004

CIVIL SUMMONS

Certified Mail

In the name of the State of West Virginia, Police & Sheriff Support Alliance as defendant(s) named in the above-styled civil action, you are hereby summoned to appear before or make answer to the Ohio County Magistrate Court at 26 Fifteenth Street, Wheeling, WV 26003 within 20 days from the date you receive service of this summons. If you fail to appear or otherwise answer, judgment by default may be taken against you for the relief demanded in the complaint.

Herald O Ames Jr
Magistrate Court Clerk (sign and affix court seal) HJ

4/23/21
Date

NOTICE: Any party in a civil action seeking over \$20.00 or possession of real estate has the right to elect that the case be tried by a jury. You must give written notice to the magistrate court either 20 days from when the first timely answer to the complaint is made or 5 days from when service of the summons and complaint is made for unlawful entry or detainer actions. If you do not notify the magistrate court within the appropriate time period, you give up your right to a jury trial. The jury fee will be assessed against the losing party if the case is tried by a jury or may be prorated between the parties if the case is settled before trial.

(OPTIONAL) NOTICE OF ELECTION: As defendant in the above action, I wish to have a jury trial.

Signature

Date

NOTICE: Any person involved in court proceedings who has a disability and needs special accommodation should inform the court sufficiently in advance so that arrangements can be made if possible.

SERVICE OF PROCESS

(To be completed ONLY by a process server when the method of service is personal service.)

METHOD OF SERVICE (check one): A. ☐ Defendant was served in person. B. ☐ Defendant was not found. C. ☐ Substituted personal service; the defendant was not found at his/her usual place of abode, so a copy of the summons and complaint was delivered and the purpose explained to _____, who is a member of the defendant's family above the age of 16.

Service was completed on the _____ day of _____ by delivery of a true written copy of the Summons together with the Complaint by (check one):

A. ☐ Certified MailB. ☐ Sheriff's Process Server _____ Signature _____

Name (print)

C. ☐ Private Process Server/Credible Person _____

Name and Address (print)

I received _____ from the plaintiff for serving the within summons on the defendant.

Signature from Private Process Server _____

Date _____

STATE OF WEST VIRGINIA, COUNTY OF _____, to-wit:

The foregoing instrument was taken, subscribed and sworn to or affirmed and acknowledged before me this _____ day of _____

Magistrate Court Personnel or Notary Signature: _____

If notary, date commission expires: _____

IN THE MAGISTRATE COURT OF OHIO COUNTY, WEST VIRGINIA

Michael Frank
11 Lee Drive
Wheeling, WV 26003
v.
Police & Sheriff Support Alliance
1300 Pennsylvania Ave
NW #190-730
Washington, DC 20004

Case No: 21-M35C-00183

ANSWER

I, Police & Sheriff Support Alliance, as a defendant in the above case answer the allegations in the complaint
by

☐ admitting the matters set forth in the complaint and confessing judgment.

or

☐ denying the matters set forth in the complaint

☐ admitting in part and denying in part the matters set forth in the complaint

and (if applicable)

☐ raising defense(s) explained below

☐ asserting a counterclaim explained below

☐ asserting a cross-claim explained below

and further state: _____

Defendant's signature, address and phone number: _____ Date _____

NOTICE TO DEFENDANT: One copy of this answer must be filed with the court and one copy must be mailed or delivered by hand to the attorneys for all other parties or to the parties themselves if they are not represented by attorneys.

CERTIFICATE OF SERVICE

I, _____, hereby certify that I have served a copy of the above answer on the attorneys for all parties, or if
such parties are not represented by attorneys, to the parties themselves on the _____ day of _____,
_____, ☐ by hand ☐ by first-class mail to:

Name and address of attorneys or parties served: _____

Signature

Date

W.Va. Code § 50-4-9; Mag. Ct. Civ. Rules 4, 5, 8, 9
SCA-M224 / 8-94
Docket Code(s): MCANS / MCCCCF / MCRCTF / MCCTP

☐ Court File
☐ Plaintiff
☐ Defendant

INFORMATION SHEET: CIVIL CASE DEFENDANT**ANSWER REQUIREMENT:**

As a defendant, you usually must file an answer with the court within 20 days from receiving the complaint and summons (30 days if service is accepted by agent or attorney-in-fact authorized to accept service). If you are a defendant in a case involving wrongful occupation or residential property or unlawful entry or detainer, you must file your answer within 5 days of service of the summons and complaint. You must also provide a copy of your answer to the plaintiff by first-class mail or personally.

ANSWER OPTIONS:

1. **If You CONFESS Judgment** (tell the court you agree to judgment for the plaintiff, without a trial), judgment will be granted in favor of the plaintiff. Any payments or payment schedules must be arranged between you and the plaintiff, but you must pay **COURT COSTS TO THE COURT**. On the 21st day from the date you confess judgment, the plaintiff has the right to have the Magistrate Court Clerk to take steps to collect in full.
2. **If You DENY or ADMIT the Matters Set Forth in the Complaint** (but do not confess judgment), a trial will be scheduled. If you have a counterclaim, (any claim that you have against the plaintiff within the jurisdiction of magistrate court), it should be stated in the middle section of the answer form (under "and further states"). No fee is required. No reply by the plaintiff is required. The plaintiff's original claim and your counterclaim will be heard at the same trial. You and the plaintiff may still reach an out-of-court settlement before the trial date. If you are one of two or more defendants in a claim involving the same transaction or occurrence, in the same case you may file a cross-claim against another person. Your cross-claim may be included in your answer. You may also file a third-party complaint against someone not named in the complaint against you as being responsible for the plaintiff's damages. A fee for service of process on the third-party may be required, but no filing fee is required.
3. **If you ADMIT IN PART AND DENY IN PART the Matters Set Forth in the Complaint**, a trial will be scheduled. You and the plaintiff may still reach an out-of-court settlement before the trial date.
4. **If you FAIL TO ANSWER**, or defend against the complaint, you will be in default and a judgment by default may be rendered against you by the magistrate. The plaintiff has the right to appear 21 days from service (or 31 days if service is on an agent or attorney-in-fact authorized to accept service) and file an affidavit for default judgment. If the plaintiff fails to file for default judgment within 6 months of service, this case will be dismissed without prejudice. Without prejudice means that the plaintiff would be permitted to file a complaint on the same claim at a later date.
5. **You May ELECT a Jury Trial**, if the claim against you is at least \$20 or involves possession of real estate. If you wish to elect a jury trial, you must do so in writing within 20 days after you serve your answer or, in a wrongful occupation and unlawful entry and detainer case, within 5 days after you receive the summons and complaint. The written request is to be sent or delivered to the magistrate court.